



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

BGK:DCL:MMO
F. #2013R00948

*610 Federal Plaza
Central Islip, New York 11722*

July 20, 2022

By ECF

The Honorable Joseph F. Bianco
United States Circuit Judge
Court of Appeals for the Second Circuit
Long Island Federal Courthouse
Central Islip, New York 11722

Re: United States v. Kenner and Constantine
Criminal Docket No. CR-13-607 (S-2)(JFB)

Dear Judge Bianco:

The government respectfully submits the enclosed proposed Order Dismissing Third-Party Petitions. Danske Bank A/S London Branch (“Danske”) and Diamante Resort, LLC (“Diamante”) join in this submission.

As Your Honor is aware, during the course of the ancillary proceeding, the government, Danske and Diamante reached a settlement whereby the parties agreed, *inter alia*, that the government would forfeit settlement funds in lieu of forfeiting the DCSL Resort and related equity interests. On July 19, 2022, the Court ordered a Supplemental Preliminary Order of Forfeiture (“Supplemental POF”), which, in sum and substance, forfeits the settlement funds in lieu of the DCSL Resort and related equity interests. Since all of the third-party petitions in the ancillary proceeding involve claimed interests in the DCSL Resort and/or the related equity interests, or some portion thereof, and the government is no longer forfeiting the DCSL Resort and/or the related equity interests in this case, the third-party petitions pending before the Court are moot.

Accordingly, the government respectfully requests that the Court so order the enclosed proposed Order Dismissing Third-Party Petitions.

Respectfully submitted,

BREON PEACE
United States Attorney

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Encl.

cc: Counsel of record by ECF and *pro se* third-party claimants at addresses of record